

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY**PCT**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:
THOMAS M. ISAACSON
LAW OFFICE OF THOMAS M. ISAACSON
850 LINDY LANE
HUNTINGTOWN, MD 20639Date of mailing
(day/month/year)

01 NOV 2007

FOR FURTHER ACTION

See paragraph 2 below

Applicant's or agent's file reference

010-0028

International application No.

PCT/US05/08278

International filing date (day/month/year)

11 March 2005 (11.03.2005)

Priority date (day/month/year)

13 March 2004 (13.03.2004)

International Patent Classification (IPC) or both national classification and IPC

IPC: G06K 11/00(2006.01)

USPC: 714/1-57,100

Applicant

CLUSTER RESOURCES, INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

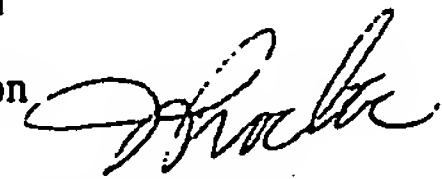
2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Date of completion of this opinion 30 October 2007 (30.10.2007)	Authorized officer William Thomson  Telephone No. (571) 272-2100
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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US05/08278

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
☐ filed together with the international application in electronic form.
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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International application No.
PCT/US05/08278

Box No. V Reasoned statement under Rule 43 *bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>3-7,10-14,16</u>	YES
	Claims <u>1,2,8,9,15</u>	NO
Inventive step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-16</u>	NO
Industrial applicability (IA)	Claims <u>1-16</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Claims 1, 2, 8, 9 and 15 lack novelty under PCT Article 33(2) as being anticipated by Hagersten et al. (U.S. 6,401,174 B1).
As to claims 1, 2, 8, 9 and 15, Hagersten teaches retrieving messages from messages logs from multiple layers of a compute environment (col. 23, lines 42-53), aggregating the retrieved messages into a single location (col. 24, lines 5-46), and associating the aggregated messages with an object (node, CPU; col. 24, lines 40-46), wherein the object is a node in the compute environment (node; col. 23, line 2 49-53).

Claims 3-7, 10-14 and 16 lack an inventive step under PCT Article 33(3) as being obvious over Hagersten et al. (U.S. 6,401,174 B1) in view of Clauss et al (U.S. 2002/0083377 A1).

As to claims 3-7, 10-14 and 16, see rejection of claims 1, 2 above.

Hagersten does not teach upon receiving an inquiry from a user regarding the object, presenting the user with the associated and aggregated messages, and the object is one of reservation, user, group of users, class, a QOS, a resource manager, a scheduler and a peer service interface. However, Clauss teaches teach upon receiving an inquiry from a user regarding the object, presenting the user with the associated and aggregated messages (page 3, paragraphs 37-38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Clauss to the system of Hagersten because Clauss teaches an error reporting mechanism that reduces the number of error/warning messages caused by a single execution fault while providing sufficient detail for the user to understand the error/warning.

Both Hagersten and Clauss teaches the error could occurred at any time and any component, it would have been obvious that the object that related to the messages can be one of the above claimed.

Claims 1-16 meets the criteria set out in PCT Article 33(4), and thus meet industrial applicability because the subject matter claimed can be made or used in industry.